

HJ  
JC586 U.S. PRO  
09/648581  
08/25/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Birch et al.

Attorney Docket No. 2610

Filed: Concurrently Herewith

Express Mail Number: EE591456238US

Title: SYSTEM AND METHOD FOR MATCHING AN OFFER WITH A QUOTE

**PETITION TO MAKE SPECIAL UNDER M.P.E.P. 708.02 VIII**

Bellevue, Washington 98007

August 25, 2000

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

In accordance with the provisions of M.P.E.P. 708.02 VIII, applicants respectfully petition to make special the above-identified application filed concurrently herewith. The required petition fee of \$130, as set forth in 37 C.F.R. 1.17(i), is included with this petition. As a basis for granting this petition, applicants submit the following statements and discussion.

For the sake of clarity, only the independent Claims of the application are discussed in this petition. Applicants submit that the independent Claims are allowable over the references found in the search, and therefore the dependent Claims are allowable at least because they are dependent upon allowable Claims. Nevertheless, applicants submit that the dependent Claims further define additional subject matter not shown or described in the prior art.

The present application includes three independent Claims: Claims 1, 12, and 24.

Claim 1 is directed to computer-implemented method of matching an offer for a product with a quote, comprising receiving the offer from a customer machine; obtaining at least one quote for the product from a first preferred provider in a group of preferred providers; evaluating the at least one quote from the first preferred provider to determine if the at least one quote satisfies the offer; if the at least one quote from the first preferred provider does not satisfy offer, repeating the obtaining of the quote and the evaluating of the quote for each preferred provider in the group of preferred providers until the offer is satisfied or until the group of preferred providers is exhausted; if the group of preferred providers is exhausted without satisfying the offer, attempting to satisfy the offer from a group of non-preferred providers; and if the offer is satisfied from either the group of preferred providers or the group of non-preferred providers, negotiating the purchase of the product from the provider associated with the satisfying quote.

Claim 12 is directed to a computer-readable medium having computer-executable instructions, comprising receiving from a customer machine an offer representing a value that the customer is willing to exchange for a product; ranking each preferred provider in a plurality of preferred providers according to a preferred criteria; selecting a highest ranked preferred provider from the plurality of preferred providers; and attempting to match the offer from the customer with the highest ranked preferred provider by determining whether a quote obtained from the highest ranked preferred provider satisfies the preferred criteria associated with the highest ranked preferred provider.

Claim 24 is directed to a computer system for matching offers with quotes, comprising an online travel service exchanger, including a web server component configured to interface with a customer machine over a network connection and receive from the customer machine an offer for a product, the offer identifying a cost for the product; a travel server component configured to obtain at least one quote associated with each provider in a plurality of providers to provide the product at a cost, the plurality of providers comprising at least two groups: a preferred providers group and a non-preferred providers group, each preferred provider having a distinct preference ranking; and the online travel service exchanger being further configured to attempt to match the offer with each preferred provider in the preferred providers group in descending order of preference.

A search of the prior art was conducted by a professional searcher at the request of applicants' attorneys. The search was conducted in Class 705, subclasses 5 and 37, and via a patents computer database. The patents developed by the search are listed below.

<u>Patent No.</u>	<u>Inventor(s)</u>
6,085,169	Walker et al.
6,085,164	Smith et al.
6,023,501	Wakamatsu
6,023,685	Brett et al.
6,014,644	Erickson
6,012,045	Barzilai et al.
5,995,602	Johnson et al.
5,897,620	Walker et al.
5,802,502	Gell et al.
5,797,127	Walker et al.
5,570,283	Shoolery et al.

In re Application of BIRCH ET AL.  
Express Mail No. EE591456238US

Copies of each of these references are enclosed.

Walker et al. '169 (6,085,169) is directed to a system for receiving a conditional purchase offer (CPO) from a customer, and evaluating the received CPO against a number of CPO rules defined by a plurality of sellers, to determine if any of the sellers are willing to accept the CPO.

Smith et al. (6,085,164) is directed to an inventory control method and architecture that maximizes revenues derived from the sale of a given inventory resource to a customer. The method uses a continuous nested execution environment that allows a determination of a minimum acceptable price by continuously computing an optimal sale price based on current demand and supply and expected cancellations.

Wakamatsu (6,023,501) discloses a method for minimizing the cost of a call. A caller is connected using the least expensive connection available. For the duration of the call, a database is repeatedly searched for a route having a cost lower than the cost of a previously determined route. If the route of lower cost is detected, a new connection is established along the lower cost route, instead of the currently established connection. Johnson et al. (5,995,602) is also directed to minimizing the cost of a call by selected a least expensive route for the call.

Brett et al. (6,023,685) disclose a bid system in which multiple customers place bids for seats to an event (e.g., a concert), by designating a price and section. The bids for a section are collected, and the highest bids receive tickets for that section.

In re Application of BIRCH ET AL.  
Express Mail No. EE591456238US

Erickson (6,014,644) discloses a computer system that utilizes a database that maintains information about sellers and buyers of goods and services. The database may be queried, or a buyer or seller may generate a "data cast object" requesting a transaction. All responses and replies are stored in the object, and the object may generate reminders as needed.

Barzilai et al. (6,012,045) disclose an online bid system in which a user may submit multiple bids, and only the lowest high bid is utilized until additional purchasers bid above the lowest high of the user.

Walker et al. '620 (5,897,620) is directed to a system for matching an unspecified time ticket with a flight. A plurality of flights are queried which satisfy the terms of the unspecified time ticket and a flight is selected accordingly.

Gell et al. (5,802,502) is directed to a system for selecting a communications service provider, wherein a plurality of providers are polled for the price of services and a selection is made based upon price, as well as additional factors such as service quality.

Walker et al. '127 (5,797,127) disclose a program for determining a price of an option to purchase an airline ticket, and for facilitating the sale and exercise of those options. By purchasing an option, a customer can lock in a specified airfare without tying up his money and without risking the loss of the ticket price if his travel plans change. Pricing of the options may be based on departure location criteria, destination location criteria, and travel criteria.

Shoolery et al. (5,570,283) is directed to a computerized reservation system, and is not directed to a bid process.

The references above do not disclose or make obvious the invention of Claim 1. Briefly stated, Claim 1 is directed to a computer-implemented method wherein an offer is first attempted to be satisfied by quotes from a preferred group, and then by quotes from a non-preferred group. The preferred group may negotiate their preferred status. None of the references disclose a preferred group, or disclose or make obvious trying to match an offer first with a provider in a first group, and, if the matching process fails with the first group, trying to match the offer with a provider in a second group. For at least these reasons, Claims 1–11 are not disclosed in or make obvious by the references found in the search. Similarly, Claim 24 is directed to a computer system that is configured to attempt to satisfy an offer with a quote from a provider from a preferred group, and, if that attempt fails, tries to satisfy the offer with a quote from a provider in a non-preferred group. For the same reasons, Claims 24–29 are not disclosed or make obvious by the references found in the search.

Claim 12 is directed to ranking preferred providers according to a preferred criteria (e.g., the profit that the preferred provider is willing to provide), and then attempting to satisfy an offer with quotes provided by the preferred providers in accordance with the rank of the preferred providers. Again, this method is not shown or made obvious by the references found in the search. Thus, applicants submit that Claims 12–23 are allowable over the references for at least these reasons.

Conclusion

For the reasons set forth above, applicants submit that the invention disclosed and claimed is novel and unobvious in light of the prior art located in the search. Therefore, applicants submit that this petition to make special should be granted and early action in the application is in order.

If the Office determines that all the Claims presented are not directed to a single invention, applicants will make an election without traverse as a prerequisite to the grant of special status. If in the opinion of the Office a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney at (425) 653-3571.

Signed at Bellevue, in the County of King, and State of Washington, August 25, 2000.

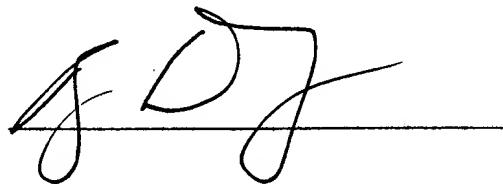
Respectfully submitted,

  
\_\_\_\_\_  
Roger D. Wylie, Registration No. 36,974  
Attorney for Applicants  
Michalik & Wylie<sup>PLLC</sup>  
14645 Bel-Red Rd.  
Suite 103  
Bellevue, Washington 98007

In re Application of BIRCH ET AL.  
Express Mail No. EE591456238US

I hereby certify that this Amendment is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 25, 2000.

Date: August 25, 2000

A handwritten signature in black ink, appearing to read "J. D. Johnson". It is written in a cursive style with a horizontal line underneath it.